



Patent  
Attorney Docket No. 032745-037

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Kurt Plotz

Application No.: 10/619,609

Filing Date: July 16, 2003

Title: WALL AND FLOOR COVERINGS

Group Art Unit: 1771

Examiner: NORCA LIZ TORRES VELAZQUEZ

Confirmation No.: 6540

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Attached please find an executed Terminal Disclaimer in connection with the application identified above.

The requisite fee is  \$65.00 (2814)  \$130.00 (1814).

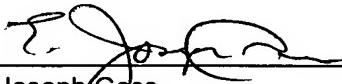
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- A check in the amount of \$ 130.00 is enclosed for the fee due.
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This paper is submitted in duplicate.

Respectfully submitted,

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Date: May 23, 2005



**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE  
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)  
032745-037

In re Patent Application of: Kurt Plotz  
Application No.: 10/619,609  
Filed: July 16, 2003  
For: WALL AND FLOOR COVERINGS

The owner, Johns Manville International, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/619,535, filed on July 19, 2000, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: Expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record.

05/24/2005 SZWDIE1 00000096 10619609

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130.00 OP

Signature

E. Joseph Gess

Typed or printed name

(703) 836-6620

Telephone Number

May 23, 2005

Date

- Terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

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